

Applic. No. 09/994,742

Amdt. dated June 30, 2004

Reply to Office action of March 31, 2004

Remarks/Arguments:

Reconsideration of the application is requested.

Claims 1, 5-12, 26-30, and 37 are now in the application. Claims 1 and 25 have been amended. Claims 13-24 and 31-36 have been cancelled. Claim 37 has been added, support for which can be found in paragraph [040] and paragraph [047] of the specification of the instant application. No new matter has been added.

In item 3 on page 3 of the above-identified Office action, the Examiner stated that affirmation of the provisional election with traverse to prosecute the invention of Group 1, claims 1-24 must be made in replying to this Office action.

The claims have been amended so to as overcome the restriction requirement. The process with the added feature of currently amended claim 1 cannot be practiced by another materially different apparatus or by hand and the apparatus with the added feature of amended claim 25 cannot be used to practice another and materially different process. Therefore, the restriction required under 35 U.S.C. § 121 is believed to have been overcome.

Applic. No. 09/994,742

Amdt. dated June 30, 2004

Reply to Office action of March 31, 2004

In item 4 on page 4 of the Office action, claims 1, 3, 7, 10-13, 15, 19, and 22-24 have been rejected as being fully anticipated by Martin (U.S. Patent No. 2,190,722) under 35 U.S.C. § 102. Claims 13, 15, 19, and 22-24 have been cancelled.

It is appreciatively noted from item 6 on page 5 of the Office action, that claims 2, 6, 8, 9, 14, 18, 20, and 21 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 1 has been amended so as to include the subject matter of allowable claim 2. Therefore, claim 1 is allowable. Since claim 1 is allowable, dependent claims 3 and 7 are allowable as well.

The following comments pertain to claim 25.

Claim 25 has been amended to include the subject matter of claim 30, which corresponds to the added feature in claim 1. As noted above, claim 25 is believed to overcome the restriction requirement under 35 U.S.C. § 121. Furthermore, since claim 25 is comparable to amended claim 1, claim 25 is believed to be allowable as well.

Applic. No. 09/994,742

Amdt. dated June 30, 2004

Reply to Office action of March 31, 2004

Since claim 25 is believed to be allowable, dependent claim 26-30 are believed to be allowable as well.

In item 5 on page 5 of the Office action, claims 4, 5, 16, and 17 have been rejected as being obvious over Martin (U.S. Patent No. 2,190,722) under 35 U.S.C. § 103. Claims 4, 16 and 17 have been cancelled. Since claim 1 is believed to be allowable dependent claim 5 is believed to be allowable as well.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 1 or 25. Claims 1 and 25 are, therefore, believed to be patentable over the art and since all of the dependent claims are ultimately dependent on claims 1 or 25, they are believed to be patentable as well.

In view of the foregoing, reconsideration and allowance of claims 1, 5-12, 26-30, and 37 are solicited.


In the event the Examiner should still find any of the claims to be unpatentable, counsel respectfully requests a telephone call so that, if possible, patentable language can be worked out.

Applic. No. 09/994,742
Amdt. dated June 30, 2004
Reply to Office action of March 31, 2004

If an extension of time for this paper is required, petition
for extension is herewith made.

Please charge any other fees which might be due with respect
to Sections 1.16 and 1.17 to the Deposit Account of Lerner &
Greenberg P.A., No. 12-1099.

Respectfully submitted,



For Applicant(s)

Alfred K. Dassler
52,794

AKD:cgm

June 30, 2004

Lerner and Greenberg, P.A.
Post Office Box 2480
Hollywood, FL 33022-2480
Tel: (954) 925-1100
Fax: (954) 925-1101